

FCC MAIL SECTION

Federal Communications Commission

DA 00-1001

MAY 12 2 22 PM '00

DISPATCH

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MM Docket No. 99-214
Table of Allotments,	)	RM-9546
FM Broadcast Stations.	)	RM-9699
(Camp Wood and	)	
Rocksprings, Texas) <sup>1</sup>	)	

**REPORT AND ORDER**  
**(Proceeding Terminated)**

Adopted: April 19, 2000

Released: May 12, 2000

By the Chief, Allocations Branch:

1. In response to a Petition for Rule Making filed by La Radio Cristiana Network, Inc. ("La Radio"), the Commission has before it for consideration the Notice of Proposed Rule Making, 14 FCC Rcd 9057 (1999), requesting the substitution of Channel 251C3 for Channel 256A at Camp Wood, Texas. La Radio filed supporting comments. Frank McCoy ("McCoy") filed a counterproposal.<sup>2</sup> Reply comments were filed by La Radio and McCoy.

2. As stated in the Notice, La Radio proposed the substitution of Channel 251C3 for Channel 256A at Camp Wood, Texas, and modification of the construction permit for Station KAYG to specify operation on Channel 251C3. The Notice further stated that Channel 251C3 could be allotted to Camp Wood at La Radio's specified site without conflicting with any current allotments or proposals. It was pointed out, however, that in accordance with Section 1.420(g) of the Commission's Rules, should another party indicate an interest in the Class C3 allotment, the modification could not be implemented unless an equivalent class channel could also be allotted to Camp Wood.

3. McCoy submitted a counterproposal requesting the allotment of Channel 251C2 at Rocksprings, Texas. McCoy argues that his counterproposal is superior to the proposal advanced in the Notice as it will bring a first local transmission service to Rocksprings and will provide a new service to an underserved population nearly three times greater than the underserved population which would receive new service by the proposed allotment at Camp Wood. McCoy states that Rocksprings is an incorporated community with a population of 1,339 people according to the 1990 U.S. Census, is the county seat of Edwards County, has a local airport, motels, and restaurants, and qualifies as a community for allotment purposes. McCoy points out that Rocksprings has neither an AM nor an FM

<sup>1</sup> The community of Rock Springs, Texas, has been added to the caption.

<sup>2</sup> The counterproposal filed by McCoy was put on public notice on August 11, 1999, Report No. 2350 (RM-9699).

station licensed to it and that the new service would provide service to 4,422 people in underserved areas, 1,342 people currently receiving three aural services, 2,869 people currently receiving four aural services and 211 people that currently receive only two aural services. In contrast, according to McCoy, Channel 251C3 at Camp Wood will add new service to an underserved population of only 1,526 people (636 of whom currently receive three aural services, 890 of whom receive four aural services). McCoy states that Channel 251C2 can be allotted to Rocksprings in compliance with the Commission's spacing requirements and that he will file an application for Channel 251C2 at Rocksprings.

4. Conflicting proposals, such as have been filed in this proceeding, are generally considered under the guidelines set forth in Revision of FM Assignment and Policies and Procedures, 90 FCC Rcd 2d (1982).<sup>3</sup> However, in this instance, since an additional channel is available, there is no need to compare the two communities. Therefore, after consideration of the information filed in this proceeding, we believe the public interest would be served by the allotment of FM channels at Camp Wood and Rocksprings, Texas, providing expanded service at Camp Wood and a first local service at Rocksprings.<sup>4</sup> Channel 251C3 can be allotted to Camp Wood, Texas, in compliance with the Commission's spacing requirements at La Radio's specified site.<sup>5</sup> Channel 295C2 can be allotted to Rocksprings, Texas, in compliance with the spacing requirements with a site restriction 10.8 kilometers west of the community.<sup>6</sup> Since the communities of Camp Wood and Rocksprings are located within 320 kilometers of the U.S.-Mexican border, concurrence of the Mexican Government has been obtained for both allotments.<sup>7</sup>

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective June 26, 2000, the FM Table of Allotments,

Section 73.202(b) of the Commission's Rules, IS AMENDED for the communities listed below, as

---

<sup>3</sup> The priorities are (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters. [Co-equal weight given to priorities (2) and (3).]

<sup>4</sup> In MM Docket No. 99-336, Rocksprings Radio Broadcasting Company has proposed the allotment of Channel 223A at Rocksprings. See 14 FCC Rcd 19474 (1999).

<sup>5</sup> The coordinates for Channel 251C3 at Camp Wood are 29-42-53 and 100-00-56.

<sup>6</sup> The coordinates for Channel 295C2 at Rocksprings are 30-02-44 and 100-19-00.

<sup>7</sup> Mexican concurrence has been received for Channel 251C3 at Camp Wood. Although concurrence has been requested for Channel 295C2 at Rocksprings, notification has not been received. Therefore, operation with the facilities specified for Rocksprings herein is subject to modification, suspension, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement or if specifically objected to by Mexico.

follows:

Community	Channel Number
Camp Wood, Texas	251C3
Rocksprings, Texas	295C2

6. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the construction permit of La Radio Cristiana Network, Inc. for Station KAYG, Camp Wood, Texas, IS MODIFIED to specify operation on channel 251C3 in lieu of channel 256A, subject to the following conditions:

- (a) Within 90 days of the effective date of this Order, the permittee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;
- (b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620; and
- (c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

7. A filing window for Channel 295C2 at Rocksprings, Texas, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

8. Pursuant to Commission Rule Section 1.1104(3)(1), any party seeking a change in community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, La Radio Cristiana Network, Inc., permittee of Station KAYG, is required to submit a rule making fee in addition to the fee required for the applications to effectuate the upgrade at Camp Wood, Texas.

9. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

10. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180. Questions related to the application filing process for Channel 251C3, Camp Wood and Channel 295C2, Rocksprings, should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

**FEDERAL COMMUNICATIONS COMMISSION**

**John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau**